

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

IN THE MATTER OF:

Case No.: 3310

PAUL BALIKIAN, D.O.
Holder of License No. **0755**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR DECREE OF CENSURE

**For the practice of osteopathic medicine in the
State of Arizona**

The Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") considered this matter at its public meeting on August 11, 2005. Paul Balikian, D.O. ("Respondent") appeared before the Board with his legal counsel, James R. Taylor for an investigative hearing pursuant to the authority vested in the Board by A.R.S. § 32-1855 (E). The board voted to issue the following findings of fact, conclusions of law and order after due consideration of the facts and law applicable to this matter.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 0755 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

1. The Board initiated case number 3310 after receiving a complaint regarding the Respondent's dispensing and billing practices. Specifically, the complaint pertains to the care and treatment of a 74 year-old female patient (JY) and the Respondent's prescription and dispensing of the medication Bextra on several occasions.

2. Respondent testified that he did not hold a current registration to dispense medications as required during this time period and dispensed medications to this patient on five occasions.

3. Respondent testified that he sold sample medications to patients.

4. Respondent testified that he charged fees to patients that were in addition to and in excess of insurance related contractual obligations.

CONCLUSIONS OF LAW

1. The conduct described in paragraphs 2 through 4 in the Findings of Fact constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (19), which states, “Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical professions.”

2. The conduct described in paragraphs 2 through 4 in the Findings of Fact constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (37), which states, “Failing to dispense drugs and devices in compliance with article 4 of this chapter.”

ORDER

Pursuant to the authority vested in the Board,

1. **IT IS HEREBY ORDERED** that Paul Balikian, Holder of osteopathic medical License number 0755, is issued a DECREE OF CENSURE pursuant to the provisions of A.R.S. § 32-1855 (E)(1).

2. **IT IS FURTHER ORDERED** that Paul Balikian, Holder of osteopathic medical License number 0755, be assessed a CIVIL PENALTY in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS AND 00/100. [\$300.00 per violation pursuant to A.R.S. § 32-1871 (B)] Civil Penalty shall be paid to the Board within thirty days of the date that this Order is issued.



ISSUED THIS 16th DAY OF NOVEMBER 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: _____

Jack Confer, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure" filed this 16th day of November, 2005 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" send by certified mail, return receipt requested this 16th day of November, 2005 to:

Paul Balikian, D.O.
3620 West Bethany Home Road
Phoenix, AZ 85019

1 Copies of the foregoing "Findings of Fact,
2 Conclusions of Law and Order for Decree
3 of Censure" sent via regular mail this 16th
4 day of November, 2005 to:

5 Blair Driggs, AAG
6 Office of the Attorney General CIV/LES
7 1275 West Washington
8 Phoenix AZ 85007


